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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,060	06/27/2002	Christina Alonso-Alija	Le A 33 878	6734

7590 09/24/2003
Jeffrey M Greenman
Bayer Corporation
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West Haven, CT 06516

EXAMINER
SAEED, KAMAL A

ART UNIT PAPER NUMBER

1626

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/088,060	ALONSO-ALJIA ET AL.	
	Examiner	Art Unit	
	Kamal A Saeed	1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-13 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 3-13 and 19-27 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-946) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 3-13 and 19-27 are pending in this application.

Election/Restrictions

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Due to the numerous variables in the claims, e.g. A, U, X, Q, Y, W, V, R¹⁻²⁴ etc and their widely divergent meanings, a precise listing of inventive groups cannot be made. The following groups are exemplary:

I. Claims 3-8 and 13 (all claims in part), drawn to compound of the formula I and a pharmaceutical composition of compounds of formula I, wherein A, U, X, Q, Y, W, V, R¹⁻²⁴ are as defined but none of them represent a heterocyclic group variously classified in class 514, 558, 564 and several subclasses

II. Claims 3-8 and 13, (all claims in part) drawn to compound of the formula I and a pharmaceutical composition of compounds of formula I, wherein A represents a heterocyclic group while U, X, Q, Y, W, V, R¹⁻²⁴ are as defined but none of them represent a heterocyclic group variously classified in class 514, 544, 546, 548 and several subclasses.

III. Claims 3-8 and 13, (all claims in part) drawn to compound of the formula I and a pharmaceutical composition of compounds of formula I, wherein Y represents a heterocyclic group and A, U, X, Q, W, V, R¹⁻²⁴ are as defined but none of them represent a heterocyclic group variously classified in class 514, 544, 546, 548 and several subclasses.

III. Claims 3-8 and 13, (all claims in part) drawn to compound of the formula I and a pharmaceutical composition of compounds of formula I, wherein Y represents a heterocyclic

group and A, U, X, Q, W, V, R¹⁻²⁴ are as defined but none of them represent a heterocyclic group variously classified in class 514, 544, 546, 548 and several subclasses.

IV. Claim 9, is drawn to a process of preparing compounds of formula I, variously classified in class 514, 540, 544, 546, 548 and several subclasses

V. Claim 10, drawn to compound of the formula II, variously classified in class 514, 540, 544, 546, 548 and several subclasses

VI. Claim 11, drawn in part to compound of the formula II, variously classified in class 514, 540, 544, 546, 548 and several subclasses

VII. Claim 12, drawn in part to compound of the formula II, variously classified in class 514, 540, 544, 546, 548 and several subclasses.

VIII. Claims 19-27, drawn to a method of use of compounds of the formula I, variously classified in class 514, 540, 544, 546, 548 and several subclasses

If applicant wishes to elect a compound not embraced by any of the above groups, then an election of species should be made to which examiner will formulate a sub generic concept.

Luck of Unity

The inventions do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: they do not share the same essential structural element(s) that define the "special technical feature" necessary to specify a contribution over the prior art. The structural moiety common to all the groups is phenyl ring. This feature was known in the art prior to filing of the instant application. Accordingly, the unity of invention is considered to be lacking and restriction of the invention in accordance with rules of unity of invention is considered proper.

The method of use and process of preparation claims will be examined along with the elected invention and commensurate in scope therewith

A telephone call was made to Mr. William F. Grey, on 09/05/03 to request an oral election to the above restriction requirement, but did not result in an election being made.

Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamal Saeed, Ph.D., whose telephone number is (703) 308-4592. The examiner can normally be reached on Monday-Thursday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Joseph K. McKane, can be reached at (703) 308-4537. The Unofficial fax phone number for this Group is (703) 308-7921. The Official fax phone numbers for this Group are (703) 308-4556 or 305-3592.

When filing a FAX in Technology Center 1600, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communications with the PTO that are not for entry into the file of the application. This will expedite processing of your papers.

Communication via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by applicant and should be addressed to [joseph.mckane@uspto.gov]. All Internet e-mail communications will be made of record in the application file. PTO employees will not communicate with applicant via Internet e-mail where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is of record an express waiver of the confidentiality requirements under 35

Art Unit: 1626

U.S.C. 122 by the applicant. See the Interim Internet Usage Policy published by the Patent and Trademark Office Official Gazette on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, whose telephone number is (703) 308-2286.

Kamal Saeed

Kamal Saeed, Ph.D.,

Patent Examiner, AU 1626